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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,160	09/17/2003	Chiu-Fong Huang	4413-0119P	4179

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EXAMINER

GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,160

Applicant(s)

HUANG, CHIU-FONG

Examiner

Linda L Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 1-5, use of "type" (see preambles) renders the claim indefinite because it is unclear what is encompassed by "type".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (US 3,693,321) in view of Watanabe (US 4,685,392) or Fuke et al. (US 4,812,198).**

Claim 1, Nilsson teaches a reciprocating protective cover sheet machine including the following:

- (a) a machine base including table 40,
- (b) material feeder 5 adapted to place plate members 24 on table 40; and
- (c) a cover sheet applicator unit including the following:

- (x) track 2/3 suspended above table 49 below feeder 5,
- (y) an applicator body (see sheet 2 of drawings) adapted to be reciprocated along track 2/3,
- (z) let-off wheel 41 installed at the body at a top side, and
- (w) roll of protective cover sheet 42 mounted on wheel 41 for laying over a top and bottom side of each member 24 being carried by the feeder to table 40.

Nilsson does not teach (d) that sheet 42 adheres and (e) a sheet-transfer wheel set installed at the body at a bottom side where the leading end of sheet 42 is inserted through the set.

For **(d)**, it is conventional in the art of packing plate members that the interleaving protector sheet be of one that adheres to the items being protected to keep the item in place during shipping, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Nilsson that sheet 42 be of one that adheres to members 24.

For **(e)**, it is conventional to provide a sheet-transfer wheel set installed on a reciprocating body which holds a supply of continuous web material on a let-off wheel where the web material passes through the set to guide the web material from the let-off wheel before application. For example, Watanabe demonstrates such with set 36/37, and Fuke et al. demonstrate the same in Figure 16 at areas 63 and 64.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Nilsson a *sheet-transfer wheel set installed at the body at a bottom side where the leading end of sheet 42 is inserted through the set because* it is conventional to provide a sheet-transfer wheel set installed on a reciprocating body which holds a supply of continuous web material on a let-off wheel where the web material passes through

the set to guide the web material from the let-off wheel before application, see Watanabe and Fuke et al.

Claim 2, Nilsson teaches that feeder 5 includes base 13, suction board 16 suspended below base 13 and adapted to pick up members 24 for packing by suction, and reciprocating arm 15 vertically coupled between base 13 and board 16.

Claim 4, Nilsson teaches that the body is to be reciprocated along track 3 over table 40 to place sheet 40 to the top and bottom sides of each member 24 being placed on table 40 at a reciprocating distance greater than the length of members 24 to be packed such that a part of sheet 24 protrudes over two distal sides of each member 24 after packing.

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson in view of Watanabe or Fuke et al. as applied to claims 1-2 and 4 above, and further in view of Agneet et al. (US 5,769,601).

***Claim 3**, Nilsson teaches stand 26 below table 40 but does not teach a plurality of lifting rods vertically coupled between stand 26 and table 40 and controlled to adjust the elevation of table 40 above stand 26.*

Agneet et al. teach a machine base including table 16 for receiving packed items 10 where the base includes stand 17 and a plurality of lifting rods 18 vertically coupled between stand 17 and table 16 and controlled to adjust the elevation of table 16 above stand 17. Such an arrangement in Nilsson (i.e., a plurality of lifting rods vertically between stand 26 and table 40 and controlled to adjust the elevation of table 40 above stand 26) would allow moving table 40 to various heights under feeder 5 should one desire to fill crates of various sizes, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Nilsson.

Claim 5, Nilsson does not teach that the unit includes a cutter means on the body to cut off sheet 42.

However, Agneet et al. teach cutter means 28 on applicator body 40 including let-off wheel 26 installed at body 40 at a top side and a roll of protective cover sheet 38 mounted on

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wheel 26 for laying over a top and bottom side of each member 10 being carried by a feeder to table 16.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Nilsson a cutter unit on the body to cut off sheet 42 as suggested in the same art by Agneet et al. such that one is not required to manually cut sheet 42 in the area of the apparatus which could cause human injury.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg
October 29, 2004

Linda Gray
LINDA GRAY
PRIMARY EXAMINER